

**From:** David Muir Sharnoff  
**To:** Microsoft ATR  
**Date:** 1/23/02 12:07pm  
**Subject:** Microsoft Settlement

I am opposed to the proposed settlement because I do not think it will change Microsoft's behavior.

I believe Microsoft's behavior needs to be changed for a whole bunch of reasons that all stem from one basic truth: Microsoft does not play fair. The Findings of Fact are true. Microsoft has enormous natural advantages because of its resources, and market position. Despite these advantages, they feel that they must leverage their monopoly position in illegal ways to gain further advantage.

The proposed settlement does not make the expected costs of continuing to their behavior high enough for the cost-benefit calculations to shift their point-of-view to a new position where they would not try to get illegal leverage from their monopoly position. It doesn't come close because there is no stick. There are no big fines and there is no breakup. There isn't anything that will make them scared.

Why do I care?

I care because Microsoft technology is bad. Microsoft does well in terms of integration -- making many things work together -- but it does badly in terms of reliability; flexibility; scalability; and security. This last point is particularly important in this post-911 world we live in. The Internet infrastructure that so much of our economy depends on is vulnerable to many kinds of denial-of-service attacks. Most of these vulnerabilities exist because of one thing: security problems with Microsoft products. The security problems with Microsoft products do would not be a big deal if there weren't so many computers running Microsoft products. The infrastructure itself is mostly non-Microsoft but because there are so many systems that can be used to attack from at once (compromised Microsoft systems) the sheer volume of attack can overwhelm any part of the Internet.

I avoid using and buying Microsoft products as much as possible. I cannot avoid them altogether because people I interact with create documents that cannot be viewed without using Microsoft products. This is very much unlike the rest of the software that I use. The rest of the software that I use attempts to use standards so different programs can still access the same content.

Microsoft may employ many programmers but Microsoft is not a technology company. Microsoft's primary expertise is in marketing.

Much of their technology is purchased. In their recent PR work, Microsoft has asked for the "freedom to innovate". The freedom to innovate that they are asking for is the freedom to innovate in marketing. Technology they can just buy, but a marketing using unfair tactics requires a lot of freedom.

Who am I?

I am a computer programmer; the owner of a Internet Service Provider; and the CTO of an Internet startup that is attempting to diintermediate the academic publishing process and thus make academic journals more timely and more affordable.

Thank you,

David Sharnoff